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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,993	06/06/2000	Raino Lintulampi	872.0018 USU	8073
29683	7590	09/07/2004	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,993

Applicant(s)

LINTULAMPI, RAINO

Examiner

PHUC H TRAN

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claim 12 is objected to because of the following informalities: "the mobile station" in line 4 is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-14, 16-18, 20-22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Moslemie et al. (WO 98/57509).

- With respect to claim 1, 6, 14, 18, 22, & 26, Moslemie teaches a method for operating a wireless telecommunications system (Fig. 1), comprising steps of:

signaling, between a mobile station (MS in Fig. 1) to a network (BTS in Fig. 1), that one of the mobile station or the network is temporarily ceasing transmission of frames (page 6 lines 9-17);

at the network (BTS in Fig. 1), determining if a current traffic channel that is assigned to the mobile station can be retained by the mobile station, or whether the current traffic channel must be released by the mobile station (block 56 in Fig. 5); and

if it is determined that the current traffic channel must be released by the mobile station, signaling from the network to the mobile station to release the channel (block 56 in Fig. 5).

- With respect to claim 2, Moslemie also teaches wherein the step of determining considers a current network requirement for traffic channels (e.g. the channel for transmitting during DTX).

- With respect to claim 3, Moslemie further teaches wherein the step of signaling occurs in response to one of the mobile station or the network entering a Discontinuous Transmission state (page 5, lines 9-18).

- With respect to claim 4, Moslemie discloses wherein the step of signaling occurs in response to a voice activity detector function of one of the mobile station or the network detecting a cessation of voice (page 10, lines 15-18).

- With respect to claims 5, 13, 17, 21, & 25, Moslemie explicitly fails to teach further comprises steps of:

at some further time, determining that at least one new frame is required to be transmitted, but it is inherently to understand that the new/reused frame is required for transmission; and

transmitting the at least one new frame on the current traffic channel that is assigned to the mobile station (e.g. the channel is assigned to the mobile station).

- With respect to claim 7-10, Moslemie discloses wherein the current traffic channel is an uplink and downlink voice/data traffic channel (see abstract).

- With respect to claims 12, 16, 20, & 24, Moslemie teaches a method for operating a wireless system that provides voice services and packet data services (e.g. Fig. 1), comprising steps of:

detecting, in the mobile station, a cessation of user speech (page 6 lines 9-17);

in response, signaling from the mobile station to a network that the mobile station is entering a DTX (page 5, lines 9-18);

at the network, based at least on a consideration of a current network requirement for uplink/downlink voice traffic channels, determining if a current uplink/downlink voice traffic channel that is assigned to the mobile station can be retained by the mobile station, or whether the current uplink/downlink voice traffic channel must be released by the mobile station (block 56 in Fig. 5); and

only if it is determined that the current uplink/downlink voice traffic channel must be released by the mobile station, sending a channel release message from the network to the mobile station (page 15, lines 20-28).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 15, 19, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moslemie et al. (WO 98/57509) in view of Jarvinen et al. (U.S. Patent No. 5960389).

- With respect to claims 11,15,19,23, & 27, Moslemie discloses all the aspect of the claimed invention as set forth above but fails to teach transmitting comfort noise parameters over the retained voice traffic channel during the time that the mobile station or the network has temporarily ceased the transmission of voice frames. Jarvinen teaches the transmitting comfort

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noise parameters over traffic channel during the time of temporarily ceased the transmission of voice frames (col. 5, lines 40-42) for reducing and eliminating the noise. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of transmitting the comfort noise parameters over traffic channel during DTX for reducing and eliminating the noise in communication system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

In June 2004, the USPTO ceased mailing paper copies of cited U.S. patents and U.S. patent application publications with all Office actions. See "USPTO to Provide Electronic Access to Cited U.S. Patent References with Office Actions and Cease Supplying Paper Copies," 1282 O.G. 109 (May 18, 2004). Foreign patent documents and non-patent literature will continue to be provided to the applicant on paper.

All U.S. patents and U.S. patent application publications are available free of charge from the USPTO web site ([www.uspto.gov/patft/index.html](http://www.uspto.gov/patft/index.html)), for a fee from the Office of Public Records (<http://ebiz1.uspto.gov/oems25p/index.html>), and from commercial sources. Copies are also available at the Patent and Trademark Depository Libraries (PTDLs). A list of the PTDLs may be found on the USPTO web site ([www.uspto.gov/web/offices/ac/ido/ptdl/ptdlib\\_1.html](http://www.uspto.gov/web/offices/ac/ido/ptdl/ptdlib_1.html)). Additionally, a new feature in the Office's Private Patent Application Information Retrieval system (PAIR), E-Patent Reference, is available for downloading and printing of U.S. patents and U.S. patent application publications cited in U.S. Office Actions.

### **STEPS TO USE THE E-PATENT REFERENCE FEATURE**

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**Instructions for performing the 5 steps:**

**Step 1:** Full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page ([www.uspto.gov/ebc/downloads.html](http://www.uspto.gov/ebc/downloads.html)). Note that a notarized signature will be required to obtain a digital certificate.

**Step 2:** To get a Customer Number, download and complete the Customer Number Request form, PTO-SB/125, from the USPTO web site ([www.uspto.gov/web/forms/sb0125.pdf](http://www.uspto.gov/web/forms/sb0125.pdf)). The completed form can be transmitted by facsimile to the Patent Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or agent, your registration number must be associated with your customer number. This association is accomplished by adding your registration number to the Customer Number Request form.

**Step 3:** A description of associating a customer number with the correspondence address of an application is described at the EBC Web page ([www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html)).

**Step 4:** The software for electronic filing is available for downloading at [www.uspto.gov/ebc](http://www.uspto.gov/ebc). Users can also contact the EFS Help Desk at (703) 305-3028 and request a copy of the software on compact disc. Users will also need Adobe Acrobat Reader, which is available through a link from the USPTO web site.

**Step 5:** Internet access will be required which applicants may obtain through a supplier of their own choice. As images of large documents must be downloaded, high-speed Internet access is recommended.

The E-Patent Reference feature is accessed using a button on the Private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents in Portable Document Format (PDF). The downloaded documents can be viewed and printed using commercially available software, such as ADOBE® READER®. ADOBE® READER® is available free of charge from Adobe Systems Incorporated ([www.adobe.com/products/acrobat/readmain.html](http://www.adobe.com/products/acrobat/readmain.html)).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9/2/04



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PATENT EXAMINER